THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.18292 of 2004

Dated: 18-07-2006

Beteen

Balaboina Pentaiah and four others.

..... PETITIONERS

AND

Balaboina Vijayakumar and ten others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.18292 of 2004

ORDER:

Petitioners are legal heirs of one Balaboina Pochaiah (Pochiga) @ Bagaiah. The predecessor appears to have obtained recognition as protected tenant under Section 34 of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural lands Act, 1950. It is alleged that respondents 2 and 3, taking advantage of the final tenancy register wherein name of Balaboina Pochaiah was shown as Balaboina Bagaiah, claimed the property. In those circumstances, petitioners submitted an application under Rule 3 of the Andhra Pradesh (Telangana Area) Tenancy Records (Correction) Rules, 1956 (the Rules, for brevity) before the Revenue Divisional Officer (East), Ranga Reddy District; eleventh respondent herein. As the same is not disposed of, the present writ petition is filed.

The learned Assistant Government Pleader for Revenue (General) submits that the Revenue Divisional Officer, considering the application submitted by the petitioners, issued notice on 17-12-2004 and meanwhile having noticed that the Mandal Revenue Officer granted succession certificate, against which an appeal has been preferred before the Joint Collector, further orders could not be passed on the application.

This Court, having regard to the submission made by the learned Assistant Government Pleader, is of the considered opinion that the Mandal Revenue Officer and the Revenue Divisional Officer may consider the application made by the petitioners under the provisions of the Rules and pass appropriate orders in accordance with law.

The writ petition is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

18th July, 2006.

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